

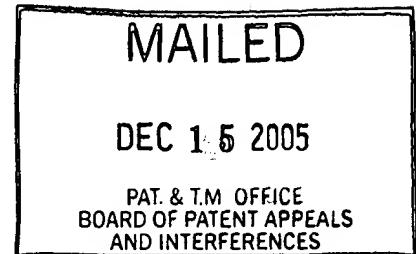
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCE

Ex parte JUERGEN REINOLD and DONALD J. REMBOSKI

Appeal No. 2006-0342  
Application 09/944,893

ORDER REMANDING TO EXAMINER



On August 10, 2005, the Examiner's Answer included a new ground of rejection which was directed to all of the claims under appeal. A review of the file did not reveal a signature from the Technology Center (TC) Director. The Manual of Patent Examining Procedure (MPEP) (8<sup>th</sup> Ed., August 2001) § 1207.03 states:

**I. REQUIREMENTS FOR A NEW GROUND OF REJECTION**

Any new ground of rejection made by an examiner in an answer must be:

- (A) approved by a Technology Center (TC) Director or designee; and
- (B) prominently identified in the "Grounds of Rejection to be Reviewed on Appeal" section and the "Grounds of Rejection" section of the answer (see MPEP § 1207.02). The examiner may use form paragraph 12.154.04.

The examiner's answer must provide appellant a two-month time period for reply. The examiner may use form paragraph 12.179.01 to notify appellant of the period for reply and to

include the approval of the TC Director or designee. In response to an examiner's answer that contains a new ground of rejection, appellant must either file:

. . . .

The Examiner's Answer mailed on August 10, 2005, is deficient in that there is not a TC Director signature on the examiner's answer containing a new grounds of rejection.

Accordingly, it is ORDERED that the application is remanded to the Examiner:

- 1) to have the examiner answer containing a new ground of rejection approved by a TC Director; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCE



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